

REMARKS:

On May 25, 2005, Frank Feher, a co-inventor, Dane Parker, a co-inventor, and Alvin Rockhill, the attorney for the applicants, participated in an interview with Examiner Kelechi C. Egwim regarding the subject patent application. During the course of the interview, the restriction requirement, the rejection made under 35 U.S.C. §112, and the rejection made under 35 U.S.C §102(b) were discussed. An agreement was reached with respect to amendments which could be made which would place the claims pending in the subject patent application in a condition for allowance. This amendment is accordingly being made to accomplish this objective.

During the interview, the applicants affirmed the provisional election that was made during the telephone conversation with the Examiner on March 1, 2005. The applicants hereby affirm the election which is delineated in the office action of April 7, 2005 and in accordance with this election have cancelled the claims which are directed to non-elected inventions. More specifically, claims 56-61 and 65 have been cancelled because they are directed to the non-elected invention which was withdrawn from further consideration by the Examiner. However, during the interview, it was agreed that claims 17, 24, 25, 27-32, 35, 37-39, 41, 49, 52, 63, 64, 67, and 68 would be rejoined with the elected group of claims because they are directly or indirectly dependent upon claim 1. It was further agreed that the applicants would consider filing a divisional application which was directed to the invention called for in claims 56-61 and 65 which have been withdrawn from consideration.

Claim 48 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as being their invention. More specifically, the Examiner noted that there was an insufficient antecedent basis for the term "conjugated diolefin" as called for in claim 48. It was agreed that this rejection could be overcome by amending claim 48 to delete the reference to the "conjugated diolefin." Such an amendment has been made and it is believed that the basis for the rejection under 35 U.S.C. §112, second paragraph, has been overcome.

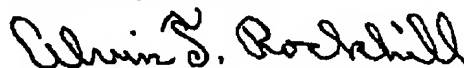
Claims 1-4, 14, 21-23, 33, 34, 42, 43, 54, 55, and 62 were rejected under 35 U.S.C. §102(b) as being anticipated by Raymonds et al or Helmer et al. Additionally, claims 1-16, 18-23, 26, 33, 34, 36, 40, 42-48, 50, 51, 53-55, 62, and 66 were rejected under 35 U.S.C. §102(b) as being anticipated by Charleux et al. During the interview, the applicants explained that the claims pending in their patent application could be distinguished from the teachings of all of the cited prior art references on the basis that in the process being claimed, the emulsifier is prepared in-situ within the aqueous polymerization medium. Dr. Feher

pointed out that the term "in-situ" was defined at page 26 of the specification for the subject patent application. It was further explained that the in-situ emulsifier preparation is achieved by reacting a "latent surfactant" with a "surfactant activator" to produce the surfactant for the controlled emulsion polymerization (see page 26 of the specification). Dr. Feher and Mr. Parker explained that this was a key element of achieving the unexpected beneficial result attained by utilizing their claimed process.

Examiner Egwim agreed that it was novel and unobvious to prepare the emulsifier in-situ within the aqueous polymerization medium by reacting a latent surfactant with a surfactant activator. However, Examiner Egwim went on to explain that such a limitation was not present in claim 1 as originally filed. It was further noted that the limitation of preparing the emulsifier in situ within the aqueous medium by the reaction of a latent surfactant with a surfactant activator was called for in claim 33. Examiner Egwim suggested that the limitation of claim 33 should be incorporated into claim 1 to distinguish the invention being claimed from the processes disclosed by the prior art references. It was agreed that such an amendment would overcome the rejection of the claims pending in the subject patent application as being anticipated or obvious in light of the cited prior art. Such an amendment has been made and it is accordingly believed that all pending claims are now allowable over the teachings of the prior art references.

The subject patent application is now in a condition for allowance and such an allowance is respectfully requested.

Respectfully submitted,



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